

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO on the)	
relation of State Engineer,)	
)	
Plaintiff,)	
)	69cv07941-BB-ACE
-v-)	
)	RIO CHAMA STREAM SYSTEM
RAMON ARAGON et al.,)	
)	
Defendants.)	
)	

INITIAL SCHEDULING AND PRETRIAL ORDER
FOR THE ADJUDICATION OF WILD AND SCENIC RIVER CLAIMS

THIS MATTER is before the Special Master following the June 14, 2005, Status Conference in this adjudication, and the Proposed Scheduling Order filed July 8, 2005, by the United States of America (“United States”) (Docket No. 7940). Being fully advised in the premises, I find that the following initial schedule will promote the expeditious adjudication of the United States’ federal reserved water right claim for the Rio Chama Wild and Scenic River.

August 5, 2005. The United States will inform the Court and the other parties in writing whether the United States and the State of New Mexico, ex rel. State Engineer (“State”) have reached agreement on the flow numbers for the Rio Chama’s federal reserved water right. If these parties have reached such an agreement, they shall, no later than October 5, 2005, consult with the two acequia associations who have thus far been involved in these water right claims to assess whether reaching agreement with these other parties is realistic. If reaching agreement is deemed likely, the United States and State shall file a status report with the Court with a proposed schedule

for further proceedings to adopt the agreement and recommendations as to whether the current proceedings should be expanded to include additional parties.

If the United States and the State fail to reach an agreement on flow numbers by August 5, the litigation of the federal reserved water right will proceed as follows.

August 8, 2005. At the regularly scheduled Chama status conference, the United States, State and the acequia associations shall present to the Special Master their recommendations as to whether any other parties should be included in the litigation at this time. In other words, the question is whether this subfile proceeding should be expanded into an expedited *inter se* proceeding or some variation thereof. Depending on the results of that discussion, the following litigation schedule may be modified.

October 21, 2005. All parties shall serve initial disclosures pursuant to FRCP 26(a)(1).

November 30, 2005. All parties shall serve initial disclosures of expert testimony pursuant to FRCP 26(a)(2).

January 16, 2006. Pretrial conference for further scheduling.

January 16, 2006. All parties shall disclose any rebuttal witnesses, either fact or expert, not disclosed above. The discovery period opens and all discovery shall be completed no later than

April 3, 2006.

IT IS SO ORDERED.

/electronic signature/
SPECIAL MASTER VICKIE L. GABIN